

REMARKS

Status of the Application.

Claims 2, 5, 7 – 10, 14 and 29 - 41 were pending in the present application, as Claims 2, 5, 7, 8 and 14 have been amended, Claims 29 – 40 were added, and Claims 1, 3, 11- 13 and 16 - 28 were cancelled in the Response mailed February 27, 2002. Applicants reserve the right to file further Continuation and/or Divisional applications on the embodiments embraced by the cancelled claims.

Applicant notes that the Examiner has objected to the Specification as the Sequence Listing indicates SEQ ID NO:6 is *B. lentus* subtilisin, while the Specification indicates that SEQ ID NO:6 is human subtilisin. Applicant has reviewed the Specification as filed and herewith provides a replacement Sequence Listing. Applicants appreciatively note that the Examiner has withdrawn some of the previous rejections. The Examiner's remaining rejections are addressed below in the following order:

- 1) Claims 8-10, 35-38 and 40 stand rejected under 35 U.S.C. §112, first paragraph as allegedly not meeting the written description requirement;
- 2) Claims 2, 5, 7 and 14 stand rejected under 35 U.S.C. §102(b), as allegedly being anticipated by Siekstra *et al.* (WO 96/34946 or US Patent No. 5,837,517);
- 3) Claims 2, 5, 7 and 14 stand rejected under 35 U.S.C. §102(b), as allegedly being anticipated by Bott *et al.* (EP No. 0 251 446 or US Patent No. 5,801,038);
- 4) Claims 2, 5, 7-9, 35-38, and 41 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 5, 24, 27, and 30 of co-pending Application Ser. No. 09/060,854; and
- 5) Claims 2, 5, 7-9, 14, 35-38, and 41 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 15 17-27, and 30-32 of copending Application Ser. No. 09/255,501.

1) The Written Description Requirement is Met

The Examiner has rejected Claims 8-10, 35-38 and 40 under 35 U.S.C. §112, first paragraph, as allegedly not meeting the written description requirement. Applicants must respectfully disagree. Nonetheless, in order to further the prosecution of the present case and Applicants' business interests, yet without acquiescing to the Examiner's rejection, Applicants have cancelled Claims 8-10, 35-38 and 40. These cancellations are only made in order to more rapidly further the remaining Claims to allowance. Applicants expressly reserve the right to prosecute these or similar Claims in one or more additional application(s). As these Claims have been cancelled, Applicants respectfully request that this rejection be withdrawn.

2) The Claims are Novel Over Sierkstra *et al.*

The Examiner has rejected Claims 2, 5, 7 and 14 stand under 35 U.S.C. §102(b), as allegedly being anticipated by Sierkstra *et al.* (WO 96/34946 or US Patent No. 5,837,517). Applicants must respectfully disagree. Nonetheless, in order to further the prosecution of the present case and Applicants' business interests, yet without acquiescing to the Examiner's rejections, Applicants have amended Claim 2 to recite that the polypeptide of interest is selected from the group consisting of cellulases, lipases, endoglucosidase H, carbohydrase, reductases, oxidases, isomerases, transferases, kinases, and phosphatases. As the Sierkstra *et al.* reference does not teach nor even suggest any of these recited enzymes, Applicants respectfully submit that the Sierkstra *et al.* reference does not anticipate the Claims. Thus, Applicants respectfully request that this rejection be withdrawn. Applicants expressly reserve the right to pursue the subject matter of the previously submitted Claims in one or more additional application(s).

3) The Claims are Novel Over Bott *et al.*

The Examiner has rejected Claims 2, 5, 7 and 14 under 35 U.S.C. §102(b), as allegedly being anticipated by Bott *et al.* (EP No. 0 251 446 or US Patent No. 5,801,038). Applicants must respectfully disagree. Nonetheless, in order to further the prosecution of the present case and Applicants' business interests, yet without acquiescing to the Examiner's rejections,

Applicants have amended Claim 2 to recite that the polypeptide of interest is selected from the group consisting of cellulases, lipases, endoglucosidase H, carbohydrase, reductases, oxidases, isomerases, transferases, kinases, and phosphatases. As the Bott *et al.* reference does not teach nor even suggest any of these recited enzymes, Applicants respectfully submit that the Bott *et al.* reference does not anticipate the Claims. Thus, Applicants respectfully request that this rejection be withdrawn. Applicants expressly reserve the right to pursue the subject matter of the previously submitted Claims in one or more additional application(s).

4-5) There Is No Double-Patenting

The Examiner has provisionally rejected Claims 2, 5, 7-9, 35-38, and 41 under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 5, 24, 27, and 30 of co-pending Application Ser. No. 09/060,854. In addition, the Examiner has provisionally rejected Claims 2, 5, 7-9, 14, 35-38, and 41 under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 15 17-27, and 30-32 of copending Application Ser. No. 09/255,501.

Applicants must respectfully disagree. Nonetheless, Applicants herewith submit a Terminal Disclaimer as to each of these pending applications. Therefore, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

All grounds of rejection and objection of the Office Action of June 28, 2002, having been addressed, reconsideration of the application is respectfully requested. Applicants respectfully submit that the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite

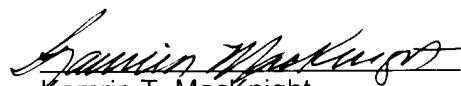
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prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 846-5838.

Respectfully submitted,

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APPENDIX I

MARKED-UP VERSION OF SPECIFICATION'S REPLACEMENT PARAGRAPHS AND REWRITTEN, ADDED, AND/OR CANCELLED CLAIMS

The following is a marked-up version of the Specification's replacement paragraphs pursuant to 37 C.F.R. §1.121(b), as well as a marked-up version of the claims pursuant to 37 C.F.R. §1.121 (c)(1)(ii) with instructions and markings showing changes made herein to the previous version of record of the specification and claims. Underlining denotes added text while bracketing denotes deleted text.

IN THE SPECIFICATION:

Please replace the Sequence Listing mailed on July 18, 2002, with a corrected Sequence Listing on pages 1-67 enclosed herewith.

IN THE CLAIMS:

Please cancel Claims 8-10, 35-38 and 40.

Please amend the Claims as follows:

2. (Twice Amended) A reduced allergenic variant of a polypeptide of interest, wherein said polypeptide of interest is selected from the group consisting of cellulases, lipases, endoglucosidase H, carbohydrases, reductases, oxidases, isomerases, transferases, kinases, and phosphatases, [and a protease] and said polypeptide of interest comprises a T-cell epitope, wherein said variant differs from said polypeptide of interest by having an altered T-cell epitope such that one or more amino acid residues of the T-cell epitope are altered and wherein an allergenic immunogenic response produced by said variant in an individual is less than said allergenic immunogenic response produced by said polypeptide of interest.



APPENDIX II

**CLEAN VERSION OF THE ENTIRE SET OF PENDING CLAIMS AS
AMENDED IN THIS COMMUNICATION**

The following is a list of the Claims as they would appear following entry of this amendment.

2. (Twice Amended) A reduced allergenic variant of a polypeptide of interest, wherein said polypeptide of interest is selected from the group consisting of cellulases, lipases, endoglucosidase H, carbohydrases, reductases, oxidases, isomerases, transferases, kinases, and phosphatases, and said polypeptide of interest comprises a T-cell epitope, wherein said variant differs from said polypeptide of interest by having an altered T-cell epitope such that one or more amino acid residues of the T-cell epitope are altered and wherein an allergenic immunogenic response produced by said variant in an individual is less than said allergenic immunogenic response produced by said polypeptide of interest.
5. (Once Amended) The variant of claim 2, wherein said polypeptide of interest is not recognized by said individual as endogenous to said individual.
7. (Once Amended) The variant of claim 2, wherein said T-cell epitope is altered with amino acid substitutions.
14. (Twice Amended) A cleaning composition, an animal feed composition, or a composition for treating a textile comprising the variant of claim 2.
29. The variant of claim 2, wherein said polypeptide of interest is a cellulase.
30. The variant of claim 29, wherein the T-cell epitope of the polypeptide of interest corresponds to the amino acid sequence disclosed in SEQ ID NO. 222 or SEQ ID NO: 223.
31. The variant of claim 2, wherein said polypeptide of interest is a lipase.

32. The variant of claim 31, wherein the T-cell epitope of the polypeptide of interest corresponds to the amino acid sequence disclosed in SEQ ID NO: 225 or SEQ ID NO: 226.

33. The variant of claim 2, wherein said polypeptide of interest is an endoglucosidase H.

34. The variant of claim 33, wherein the T-cell epitope of the polypeptide of interest corresponds to the amino acid sequence disclosed in SEQ ID NO: 228.

39. A cosmetic care formulation for skin, hair or oral care comprising the variant of claim 2.

41. A reduced allergenic variant of a polypeptide of interest, wherein said polypeptide of interest is selected from the group consisting of a cellulase, lipase, endoglucosidase H, carbohydrase, reductase, oxidase, isomerase, transferase, kinase, phosphatase and a protease and said polypeptide of interest comprises a T-cell epitope, wherein said variant differs from said polypeptide of interest by having an altered T-cell epitope such that at least two amino acid residues of the T-cell epitope are altered, and wherein an allergenic immunogenic response produced by said variant is less in an individual than the allergenic immunogenic response produced by said polypeptide of interest

APPENDIX III